United Nations A/67/762

General Assembly

Distr.: General
27 February 2013

Original: English

Sixty-seventh session
Agenda item 75 (a)
Oceans and the law of the sea

Letter dated 20 February 2013 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the following documents:

1. A note verbale dated 14 August 2012 addressed to you by the Permanent Mission of the Islamic Republic of Iran, protesting the identification of basepoints by the Kingdom of Saudi Arabia in the Persian Gulf (see annex I).

2. A note verbale dated 24 December 2012 from the Ministry of Foreign Affairs of the Islamic Republic of Iran to the Embassy of the Kingdom of Saudi Arabia in Tehran, responding to certain claims with regard to the activities of Iranian vessels in the Persian Gulf (see annex II).

3. A note verbale dated 6 February 2013 from the Ministry of Foreign Affairs of the Islamic Republic of Iran to the Embassy of the Kingdom of Saudi Arabia in Tehran, responding to certain claims made by Saudi Arabia (see annex III).

I should be grateful if you would have the present letter and its annexes circulated as an official document of the sixty-seventh session of the General Assembly, under agenda item 75 (a).

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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Annexes to the letter dated 20 February 2013 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Annex I

The Permanent Mission of the Islamic Republic of Iran to the United Nations presents its compliments to the Secretary-General and, with reference to communication dated 25 March 2010 regarding the deposit by the Kingdom of Saudi Arabia on 5 March 2010 of lists of geographical coordinates of points defining the baselines of the Kingdom of Saudi Arabia in the Red Sea, the Gulf of Aqaba and the Persian Gulf, and pursuant to the note verbale dated 22 December 2010 from the Permanent Mission of the Islamic Republic of Iran to the United Nations, has the honour to inform you that the Islamic Republic of Iran has carefully studied the above-mentioned document and its annexes and, on the basis of that examination, would like to state the following:

The Government of the Islamic Republic of Iran reserves its position as to the validity under customary international law of the Saudi baselines set out in the above-mentioned document. Under relevant customary international law, as codified in the 1958 Convention on the Territorial Sea and the Contiguous Zone, and reaffirmed in the 1982 United Nations Convention on the Law of the Sea: "In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of territorial sea is measured". However, "The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters".

The Islamic Republic of Iran notes that a number of basepoints, particularly basepoints 3, 5, 6 and 8, identified by Saudi Arabia in defining the Saudi baselines in the Persian Gulf are located in open waters and therefore contravene the relevant rules of international law of the sea as mentioned above.

Hence, the Islamic Republic of Iran underlines that the method used by Saudi Arabia to define its baselines in the Persian Gulf is not in conformity with international law of the sea and stresses that any consequences arising from it would not be acceptable.

The Permanent Mission of the Islamic Republic of Iran requests the Secretary-General to have this note issued as a document of the United Nations in accordance with established procedures.

Annex II

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Kingdom of Saudi Arabia in Tehran and, with reference to the note verbale dated 17 October 2012 from the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia addressed to the Embassy of the Islamic Republic of Iran in Riyadh, has the honour to state the following:

On the basis of the inquiry made by the relevant authorities of the Islamic Republic of Iran, it is confirmed that there has been no violation by Iranian military vessels, and therefore the claims raised in the above-mentioned note verbale are categorically rejected. It is worth mentioning that all activities and patrolling of military vessels of the Islamic Republic of Iran in the Persian Gulf and the Sea of Oman are conducted within the laws of the Islamic Republic of Iran and in accordance with international law of the sea.

It should be recalled that raising baseless and provocative claims and using inappropriate and unjustifiable concepts and terms that contain specific meaning under international law are against the principle of goodwill, undermine bilateral and multilateral efforts of the regional States to strengthen stability and security in the region, and do not contribute to mutual understanding and trust.

Moreover, and as has been previously declared, the Government of the Islamic Republic of Iran does not recognize any claim of sovereign rights to the resources of the seabed and its subsoil in the divided zone between Kuwait and Saudi Arabia (former neutral zone) until and unless its maritime border in this area is delimited. The sovereign rights of the Islamic Republic of Iran, Kuwait and Saudi Arabia in this area shall be determined on the basis of principles of goodwill, good-neighbourliness and international law.

Finally, while recalling the established principle under international law that a bilateral treaty does not create obligations for a third state (*pacta tertiis nec nocent nec prosunt*), and reiterating the objection already made by the Islamic Republic of Iran in 2009 to the bilateral agreement between Kuwait and Saudi Arabia, Iran stands ready to conduct bilateral negotiations with Saudi Arabia with a view to delimiting the maritime borders of the two States in the relevant part of the divided zone.

The Ministry of Foreign Affairs of the Islamic Republic of Iran avails itself of this opportunity to renew to the Embassy of the Kingdom of Saudi Arabia in Tehran the assurances of its highest consideration.

Annex III

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Kingdom of Saudi Arabia in Tehran and, with reference to note verbale No. 327421 dated 7 October 2012 from the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia addressed to the Embassy of the Islamic Republic of Iran in Riyadh, has the honour to state the following:

On the basis of the inquiry made by the relevant authorities of the Islamic Republic of Iran, the claims raised in the above-mentioned note verbale could not be confirmed and therefore its content is rejected.

It is worth emphasizing that the activities of all aeroplanes, helicopters and vessels of the Islamic Republic of Iran are conducted within mutual agreements with the neighbouring States in the Persian Gulf, with due respect to the limits of drilling rigs and maritime installations and in accordance with international law, with a view to maintaining regional security and stability.

The Ministry of Foreign Affairs of the Islamic Republic of Iran avails itself of this opportunity to renew to the Embassy of the Kingdom of Saudi Arabia in Tehran the assurances of its highest consideration.